



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, March 7, 2012

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Van Pearlberg, Ward 4

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20120207 New city website

Presentation of new city website by IT Director, Ronnie Barrett.

PROCLAMATIONS:

20120130 Presentation of Tree City Award

Joe Burgess, Urban Forester from the Georgia Forestry Commission presents the 28th Annual Tree City Award to Joan Ellars, Keep Marietta Beautiful Director who accepts on behalf of the City.

20120223 Marietta High School Star Student

Mayor Tumlin presents a Proclamation to Marietta High School's Star Student, Andrew Judd.

20120222 Swearing-In

Swearing-in of Arthur Vaughn, for the Ethics Committee Mayor's Appointment.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**SCHEDULED APPEARANCES:****UNSCHEDULED APPEARANCES:****CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:*** 20120217 Regular Meeting - February 8, 2012**

Review and approval of the February 8, 2012 regular meeting minutes.

*** 20120204 Special Meeting - February 27, 2012**

Review and approval of the February 27, 2012 special meeting minutes.

MAYOR'S APPOINTMENTS:**CITY COUNCIL APPOINTMENTS:***** 20120163 Marietta Redevelopment Corporation (MRC) Board of Directors**

Reappointment of Pete Bilson, Ray Buday, Mark Gibbs, Ron Francis, Terry Lee, George Bentley to the Marietta Redevelopment Corporation (MRC) Board of Directors for a two (2) year term that expires April 10, 2014.

*** 20120181 Historic Preservation Commission Appointment**

Appointment of Renee J. Severson to the Historic Preservation Commission (Ward 5) for a three (3) year term beginning immediately and expiring March 13, 2015.

* **20120182 Planning Commission Appointment**

Appointment of John Schupp to the Planning Commission (Ward 4) for a three (3) year term beginning immediately and expiring March 13, 2015.

ORDINANCES: *The Planning Commission will meet Tuesday, March 6th. The summary from the meeting will be available at the 6:00 Agenda Review Session on Wednesday.*

20120096 Z2012-01 1744 Roswell Road, LLC: Paige Slyman 1744 Roswell Road

Z2012-01 [REZONING] 1744 Roswell Road, LLC: Paige Slyman request rezoning for property located in Land Lot 11700, District 16, Parcel 0910, 2nd Section, Marietta, Cobb County, Georgia and being known as 1744 Roswell Road from OI (Office Institutional) to CRC (Community Retail Commercial). Ward 7.

PUBLIC HEARING (all parties are sworn in)

* **20110889 CA2012-01 Amendment to the Comprehensive Development Code regarding Sidewalks**

CA2012-01 [Code Amendment] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 732, Required Improvements, Section 732.07 Sidewalks.

PUBLIC HEARING (all parties are sworn in)

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

* **20111149 FY 2013/2014 Fund Work Program (MRC)**

Motion approving the FY 2013/2014 Work Program for the Marietta Fund for Neighborhood and Community Revitalization.

Council members Lewis and Goldstein opposed.

* **20120148 FY 2013 Annual Plan**

Approval of a Resolution accepting the FY 2013 Annual Plan which will be submitted to U.S. Department of Housing and Urban Development (HUD).

* **20120172 Final CDBG 2012 Project's List**

Motion approving the FFY'2012 CDBG Final Statement Project's List.

* **20120221 Approval of an Ordinance amending the Fiscal Year 2012 Weed and Seed budget to receive federal CDBG funding for the Weed and Seed Site Coordinator's salary.**

2. Finance/Investment: Annette Lewis, Chairperson

* **20120147 GMA 2012 Annual Convention**

Motion approving travel and training expenses for the Mayor and Council members who wish to attend the Georgia Municipal Association (GMA) 2012 Annual Convention in Savannah, GA June 23 - 26, 2012.

Council Member King opposed

* **20120175 Franklin Road Little School Project**

Approval of an Ordinance amending the Fiscal Year 2012 Weed and Seed Fund to receive and appropriate \$10,000 from the United Way for the Franklin Road Little School Project.

* **20120184 Administrative Fee Reserve Account**

Approval of an Ordinance amending the Fiscal Year 2012 Section 8 HUD Fund to appropriate Administrative Reserves for the purchase of a replacement vehicle.

* **20120185 Appropriation of Funds for signal at Tower Rd and North Ave**

Approval of an Ordinance amending the Fiscal Year 2012 budget to appropriate payment from Wellstar for signal installation at the intersection of Tower Road at North Avenue.

Council member Johnny Sinclair disclosed that he serves on the Kennestone Regional Board.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20120146 GMA Voting Delegates**

Motion to appoint Anthony Coleman as voting delegate and Grif Chalfant as alternate voting delegate for the 2012 GMA Business Meeting being held during the GMA Annual Convention Monday, June 25, 2012.

* **20120064 Chairperson - Personnel/Insurance Committee**

Amendment to Code Section 1-4-040, Rules and Procedures of Council.

Approval of an Ordinance waiving the requirement for a second reading as set forth in Section 1-4-040 L of the City of Marietta Charter; further, to amend the last paragraph of Section 1-4-040 V to read, "Each council member shall chair one committee, serve as vice chair of a second committee and serve on a third committee. The mayor shall annually or as needed, if there is a vacancy, make appointments of council members to the committees which are subject to the approval of council."

4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson

* **20120170 Artist's Market Street Closure Request**

Motion approving the applicant's request for closure of Mill Street from the railroad tracks to Church St./West Park Square on the second and fourth Saturdays of the month from April 2012 through November 2012 during the hours of 5:30 a.m. to 3 p.m. for the purpose of conducting an Artist's Market.

5. Personnel/Insurance: Van Pearlberg, Chairperson

6. Public Safety Committee: Anthony Coleman, Chairperson

* **20120118 Standard Operating Procedures**

Motion approving revisions to Standard Operating Procedures A037 Intern Program, A041 Organizational Structure, A046 GCIC, NCIC & Departmental Computer Systems, A095 Employee Related Domestic Violence, C022 School Resource Officer Program, C030 Law Enforcement Explorer Program, C050 Crime Prevention, C070 Police Athletic League, P055 Selective Traffic Enforcement Program, S034 Juvenile Procedures, S040 Organized Crime and Vice Control, T015 Health & Wellness Program, and T040 Firearms Qualifications

7. Public Works Committee: Jim King, Chairperson

* **20120153 FY 2014 Federal Project Solicitation**

Public Works to submit pedestrian and transit safety projects to Cobb County for inclusion in the overall Cobb County request to ARC for federal funding. Projects are prioritized as:

1. South Marietta Pedestrian Crossing Improvements
2. Atlanta Street and South Marietta Parkway Intersection Improvements
3. Cobb Parkway at North Marietta Parkway Intersection Improvements
4. Powder Springs Streetscapes (Phases A, B and C)
5. Roswell Road and Cobb Parkway Intersection Improvements

* **20120183 Canton Road at Cobb Parkway**

Motion authorizing the northbound closure of Canton Road at Cobb Parkway for 8 months. The Public Works Director is authorized to extend the temporary closure period as needed to facilitate the GDOT Canton Road and railroad bridge replacement project over Cobb Parkway.

APPEARANCES:

OTHER BUSINESS: *The Planning Commission will meet Tuesday, March 6th. The summary from the meeting will be available at the 6:00 Agenda Review Session on Wednesday.*

20120140 V2012-10 BRE/ESA Properties, L.L.C. (a/k/a Extended Stay America, Inc.)

V2012-10 [VARIANCE] BRE/ESA Properties L.L.C. (a/k/a Extended Stay America, Inc.) request variance for property located in Land Lot 10010, District 16, Parcel 0020 and being known as 1051 Canton Road. Variance to allow a pylon sign; Variance to increase the sign height from 15 ft. to 35 ft.; Variance to increase the sign face from 90 sf. to 120 sf.; Variance to reduce parking spaces from 182 parking spaces to 136 parking spaces Ward 5.

20120141 V2012-11 Roy W. Mertz 2265 Kingston Court

V2012-11 [VARIANCE] ROY W. MERTZ request variance for property located in Land Lot 07260, District 17, Parcel 0010 and being known as 2265 Kingston Court. Variance to allow abandoned signs to remain. Ward 7.

20120142 V2012-12 Michael McDonald - Pavilion Development 2195 Cobb Parkway South

V2012-12 [VARIANCE] MICHAEL MCDONALD (PAVILION DEVELOPMENT) request variance for property located in Land Lot 08050, District 17, Parcel 0160 and being known as 2195 Cobb Parkway South. Variance to allow a general advertising sign outside of the area within 100 feet of the right of way of Interstate 75.; Variance to waive the requirement that a general advertising sign be regulated as a principal use; Variance to allow a general advertising sign to be located within 1,000 foot radius of another general advertising sign; Variance to reduce the side setback for a general advertising sign support structure from 15' to 11'; Variance to reduce the side setback for a general advertising sign face from 11.25' to 7'.; Variance to reduce the front setback for a general advertising sign face from 30' to 17'; Variance to allow a general advertising sign be located on a lot upon which a building and signage is located; Variance to allow a general advertising sign be located closer to a permanent structure than the distance that is equal to the height of the sign. Ward 1.

20120156 416 Roswell Street Property

Motion to accept the offer from the Greater Community Church of God in Christ for the disposition of the property at 416 Roswell Street in exchange for \$150,000.00, with the stipulation that the property cannot use the driveway curb cut on Roswell Street.

20120224 Property Acquisition

Motion authorizing acquisition of right-of-way and easements within the following properties for the purpose of Powder Springs Multi-Use Trail Project-Bellmeade Drive to Chestnut Hill Road.

- 825 Powder Springs Street in exchange for \$4,525 from TEG Springs Landing, LLC.
- 981 Powder Springs Street in exchange for \$2,535 from Missionary Assembly of God Inc.
- 993 Powder Springs Street in exchange for \$2,150 from Mario M. de Rivera and Rosalina de Rivera.
- 1021 Oregon Trail in exchange for \$8,525 from Missionary Assembly of God Inc.
- 1026 Oregon Trail in exchange for \$2,040 from Iglesia Misionera Asamblea De Dios, Inc.
- 1025 Arden Drive in exchange for \$2,320 from Mario M. de Rivera and Rosalina de Rivera.

20120208 Tourism Funding

Motion to approve additional tourism funding to Theatre in the Square and authorize the modification of the contract with the Welcome Center which funds the Theatre in the Square.

Council member Goldstein disclosed that he is the owner of and a general manager for the Herbert S. Goldstein Family Limited Partnership that owns the Earl Strand Theater at 115-119 North Park Square, Marietta GA. The tenant is Friends of the Strand, Inc. The tenant has an agreement with the Atlantic Lyric Theater, Inc., to use the facility. Council member Goldstein also owns the properties occupied by and leased to Theatre in the Square, Inc. Council member Goldstein abstains on and will not participate on allocation of funds to the above three (3) entities.

Council member Goldstein is or has been a member of: Friends of Brumby Hall, Inc., Cobb Landmarks and Historical Society, Inc., Marietta-Cobb Museum of Art; and the Marietta Museum of History. He is also the Council's appointed member serving on the board of the Marietta Welcome Center and Visitors Bureau, Inc.

Council member Pearlberg disclosed that he is a member of Cobb Landmarks & Historical Society and Marietta-Cobb Museum of Art. He subscribes to the Atlanta Lyric Theatre and has performed at the Earl Smith Strand Theatre. Further, his wife is Chairperson of the Georgia Ballet

Mayor Tumlin has served as a director, but is currently not serving, of the following organizations being considered for sponsorships: Marietta-Cobb Museum of Art; Theatre in the Square, Inc.; Marietta Museum of History, Inc.; and Friends of the Strand, Inc. Additionally, Mayor Tumlin has provided legal services to Friends of the Strand, Inc. and accounting services to Marietta Museum of History, Inc. Mayor Tumlin has been/is a Member of Brumby Hall, Inc. and Cobb Landmarks & Historical Society.

Council member Sinclair disclosed that he is a past Chairman of the Board of the Art Museum and Cobb Landmarks, has been a member of the Welcome Center and the Museum of the History.

*** 20120219 BLW Actions of the March 5, 2012**

Review and approval of the March 5, 2012 actions and minutes of the Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:**ADJOURNMENT:**